



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 20, 2020

**BY ECF**

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

**Re: *United States v. Sydney Scales et al., 19 Cr. 96 (LTS)***

Dear Judge Swain,

A status conference in this case is scheduled for April 27, 2020 at 3:00 p.m. As discussed at the February 27, 2020 conference, the Government produced to the defense discovery relating to several shootings relevant to the existing charges in this case, as well as relating to a murder that the Government expects will form the basis for superseding charges against Sydney Scales. The outbreak of COVID-19 has significantly disrupted grand jury operations, however; and during this time, the parties have engaged in discussions about potential dispositions of this matter short of a superseding indictment and trial. If those discussions do not bear fruit, the Government is prepared to supersede the indictment promptly and has received authorization and direction from the Attorney General not to seek the death penalty against Scales. The parties agree that there are no issues to take up at a conference on April 27 and that the defense would benefit from additional time to review discovery and confer with the defendants.

The Government therefore respectfully requests the conference be adjourned approximately 30 days and that Speedy Trial time be excluded up to the next conference date pursuant to Title 18, United States Code, Sections 3161(h)(7), as it is in the interest of justice to allow the defense time to further review discovery and the parties to discuss possible dispositions of the case. I have conferred with all defense counsel, who consent to these requests.

THE APPLICATION IS GRANTED. THE CONFERENCE IS  
ADJOURNED TO 5/29/2020 AT 12:30PM. THE  
COURT FINDS PURSUANT TO 18 U.S.C. § 3161(h)(7)(A)  
THAT THE ENDS OF JUSTICE SERVED BY AN  
EXCLUSION OF THE TIME FROM TODAY'S DATE  
THROUGH 5/29/2020 OUTWEIGH THE BEST INTERESTS  
OF THE PUBLIC AND THE DEFENDANT(S) IN A SPEEDY  
TRIAL FOR THE REASONS STATED ABOVE. DE# 79  
RESOLVED. SO ORDERED.

DATED:4/21/2020  
/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney  
Southern District of New York

*Frank J. Balsamello*  
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cc: Justine Harris, Esq., Richard Jasper, Esq., *counsel for defendant Sydney Scales* (by ECF)  
Matthew Myers, Esq., *counsel for defendant Ernest Horge* (by ECF)